

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERKS OFFICE
U.S. DISTRICT COURT ED. N.Y.

★ NOV 1 1 2006 ★

11/1/06

P.M. _____
TIME A.M. _____

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

This document relates to: All Cases

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

MEMORANDUM & ORDER

Korman, Chief Judge:

I am in receipt of August 22, 2006 Report and Recommendations of the International Organization for Migration (IOM) for the Fourth Group of Payments to Legal Successors in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("Fourth IOM Legal Successor Report") which includes claims that satisfy target group requirements and that are recommended for approval by this Court in this group as indicated in the Fourth IOM Legal Successor Report. The Fourth IOM Legal Successor Report advises that, in accordance with the Distribution Plan, my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, IOM will be prepared, on or about September 15, 2006 to begin to transfer payments to 1,145 eligible legal successors for 1,064 eligible deceased victims in Slave Labour Class I.

All of the 1,064 deceased victims described in the Fourth IOM Legal Successor Report satisfy the eligibility criteria for Slave Labour Class I as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders. Each eligible deceased victim described in the Fourth IOM Legal Successor Report was a member of a target group and performed slave labour for the Nazi regime.

All of the 1,145 legal successors described in the Fourth IOM Legal Successor Report satisfy the eligibility criteria for legal successors as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders as well as the criteria of the German Foundation Act, as it is applied to legal succession in the Swiss Banks programmes. All legal successors in the Fourth IOM Legal Successor Group have proven that the deceased victims died later than 15 February 1999. All legal successors have also proven that they informed IOM of their right to legal succession within the required notice period, have provided proof of relationship to the respective deceased victims and are the closest heirs, in accordance with the eligibility succession specified under the German Foundation Act.

In the interest of privacy, the names and other identification information relating to all eligible deceased victims and their respective eligible legal successors included herein have been filed with the Court under seal in appendix ("HVAP LS List IV") accompanying the Fourth IOM Legal Successor Report.

Accordingly, in anticipation of the forthcoming distribution of awards of USD 1,450 for each of 1,064 Slave Labour Class I victims deceased on or after 16 February 1999 whose claims have been submitted to this Court for approval of payment awards to be distributed to 1,145 eligible legal successors of those deceased eligible victims;

and

who comprise the fourth group of legal successor payees ("HVAP LS List IV"), it is hereby

ORDERED that the signatories to the Settlement Fund are hereby directed to transfer USD 682,950 from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to pay the 519 eligible legal successors on behalf of 471 deceased eligible victims whose claims are listed in HVAP LS List IVa appended to the Fourth IOM Legal Successor Report, and are hereby considered as approved for payment;

and

ORDERED that IOM pay the 626 eligible legal successors on behalf of 593 deceased eligible victims whose claims are listed in HVAP LS List IVb appended to the Fourth IOM Legal Successor Report, and that were already approved in previous HVAP Payment Groups, a total of USD 859,850, already transferred from the Settlement Fund to the IOM-HVAP Citibank Geneva Account to meet the projected distribution, as described in the Fourth IOM Legal Successors Report.

SO ORDERED:

s/ Edward R. Korman

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
Sept, 2006